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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,565	06/15/2005	Robert Fifield	GB020236	9445
24737 7590 05/13/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
RYAN, PATRICK A				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,565

Applicant(s)

FIFIELD ET AL.

Examiner

PATRICK A. RYAN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 6/15/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a First Office Action in response to Application Serial Number (10/538565), filed June 15, 2005. Preliminary Amendment of Claims 5-7, 13, 14, and 19-21, filed June 15, 2005, to correct for multiple claim dependencies has been accepted. As amended, Claims 1 through 21 are presented for examination.

Priority

2. The instant application is a 371 of (PCT/IB03/05644), filed December 3, 2003 and claims foreign priority to United Kingdom Application Number (0229318.1), filed December 17, 2002. All conditions under 35 USC 119 have been met.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 through 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnarajah et al. United States Patent (7,277,694 B2) hereinafter "Sinnarajah" in view of Hylton et al. United States Patent (5,793,413) hereinafter "Hylton".

5. In regards to Claims 1 and 8, Sinnarajah teaches a wireless system and method for distributing a broadcast program comprising a distribution apparatus (broadcast stations 110 of Fig. 1, as described in Col. 4 Lines 26-30; with further reference to Fig.

2, as described in Col. 4 Lines 32-62. In addition, it is noted that "Figs. 6-8 are described in the context of the hardware components of Figs. 1-4", as disclosed in Col. 10 Lines 65-66), at least one program receiving apparatus and means for associating the at least one program receiving apparatus with the distribution apparatus (subscriber-stations 114 of Fig. 1; with further reference to Fig. 4, as described in Col. 5 Lines 15-35), wherein the distribution apparatus comprises a receiver for receiving a broadcast program from a broadcasting source and a wireless transmitter for transmitting the received broadcast program (input/output link 210 of Fig. 2, as described in Col. 4 Lines 49-53), and wherein the program receiving apparatus comprises an interface for receiving an indication of a broadcast program to be received by the program receiving apparatus (user interface 410, as described in Col. 5 Lines 15-35; with further reference to "subscriber-station's keypad", as described in Col. 11 Lines 63-67 and Col. 12 Lines 1-2), a wireless receiver for receiving the indicated broadcast program (transceiver 404 of Fig. 4, as described in Col. 5 Lines 15-35) and an adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus if the associated distribution apparatus has sufficient available transmission capacity to transmit the indicated broadcast program (manager 402 of Fig. 4, as described in Col. 5 Lines 21-25; with further reference to reception of "shared channel" based on availability, as described in Col. 6 Lines 17-23) and otherwise adapting the program receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program (reception of "individual channel" based on availability, as described

in Col. 6 Lines 17-23. It is further noted that Sinnarajah the word "availability" in terms of parameters such as "physical bandwidth used by the subject base station", as disclosed in Col. 10 Lines 19-54, with reference to Fig. 9).

Sinnarajah does not teach that the wireless system or method may be used for distributing a broadcast program around a building. In a similar field of invention, Hylton teaches a system and method for distributing multimedia services wirelessly throughout a subscriber premise (as shown in Figures 3 and 8, with further reference to Col. 28 Lines 55-67 and Col. 29 Lines 1-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sinnarajah's system and method for wirelessly distributing broadcast content to a user to be applied in a building or subscriber's home because Hylton demonstrates that it is a well known technique to distribute broadcast content throughout a residence using wireless means. In addition, Hylton teaches the benefits of a wireless residential distribution system, such as ease of installation and reduced cost (as discussed in Col. 3 Lines 18-41).

6. In regards to Claims 2 and 9, Sinnarajah and Hylton teach the wireless system of Claim 1 and the method of Claim 8, wherein the adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus comprises means for adapting the program receiving apparatus to receive a current transmission of the indicated broadcast program from the associated distribution apparatus (Sinnarajah teaches if content is available over a shared channel, as determined in Step 622 of Fig. 6, subscriber-terminal performs the

operations of Fig. 8 in which the desired program content is monitored on a shared channel in Step 816, as described in Col. 15 Lines 25-52).

7. In regards to Claims 3 and 10, Sinnarajah and Hylton teach the wireless system of Claim 1 and the method of Claim 8, wherein the adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus comprises means for transmitting a request to the associated distribution apparatus for transmission of the indicated broadcast program, and wherein the associated distribution apparatus further comprises means responsive to the request for transmitting the indicated broadcast program if transmission capacity is available (Sinnarajah teaches if only a shared channel is available then the program is broadcast to the user over the shared channel, with reference to Step 802, Step 810, and Step 811 as described in Col. 15 Lines 60-67 and Col. 16 Lines 1-25).

8. In regards to Claims 4 and 11, Sinnarajah and Hylton teach the wireless system of Claim 3 and the method of Claim 10, wherein the means responsive to the request for transmitting the indicated broadcast program if transmission capacity is available further comprises means for determining whether a current transmitted broadcast program is being transmitted to an associated program receiving apparatus and means responsive to determining that the current transmitted broadcast program is being transmitted to non-associated program receiving apparatus for replacing the current transmitted broadcast program by the indicated broadcast program (In Step 808 of Sinnarajah the subscriber-station asks whether it has received channel assignment from a shared or individual channel, as described in Col. 17 Lines 18-34).

9. In regards to Claims 5 and 12, Sinnarajah and Hylton teach the wireless system of Claim 1 and the method of Claim 8, wherein the means for adapting the program receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program comprises means for searching for a non-associated distribution apparatus currently transmitting the indicated broadcast program (Sinnarajah teaches making a determination of a program available on an individual channel in Step 622, which leads to the establishment of a broadcast service on an individual channel as shown in Fig. 7 and described in Col. 13 Lines 36-51).

10. In regards to Claims 6 and 13, Sinnarajah and Hylton teach the wireless system of Claim 1 and the method of Claim 8, wherein the means for adapting the program receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program comprises means for requesting a non-associated distribution apparatus to transmit the indicated broadcast program ("Subscriber-substation adjusts its transceiver to receive the base station's transmission of the desired program upon the assigned channel", as Sinnarajah discloses in Col. 14 Lines 45-51, with further reference to Step 724 of Fig. 7).

11. In regards to Claims 7 and 14, Sinnarajah and Hylton teach the wireless system of Claim 1 and the method of Claim 8, wherein the program receiving apparatus further comprises means for, when receiving the indicated program from a non-associated distribution apparatus, intermittently checking the availability of transmission capacity of

the associated distribution apparatus for transmitting the indicated program, and wherein the adaptation of the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus is responsive to such capacity being available (Sinnarajah teaches repeating the process of Fig. 6 periodically, as shown in Step 726 of Fig. 7, and described in Col. 14 Lines 60-65).

12. In regards to Claim 15, Sinnarajah teaches a wireless distribution apparatus for distributing a broadcast program to an associated program receiving apparatus (broadcast station 110 of Fig. 1, as described in Col. 4 Lines 26-30; with further reference to Fig. 2, as described in Col. 4 Lines 32-62. In addition, it is noted that "Figs. 6-8 are described in the context of the hardware components of Figs. 1-4", as disclosed in Col. 10 Lines 65-66), comprising means for receiving a request to transmit an indicated broadcast program (input/output link 210 of Fig. 2, as described in Col. 4 Lines 49-53), means responsive to the received request for determining whether a current transmitted broadcast program is being transmitted to an associated program receiving apparatus, and means responsive to determining that the current transmitted broadcast program is being transmitted to non-associated program receiving apparatus for replacing the current transmitted broadcast program by the indicated broadcast program (determination of base station transmission of broadcast program on either a shared or individual channel, as disclosed in Col. 15 Lines 53-67 and Col. 16 Lines 1-46).

Sinnarajah does not teach a distribution apparatus for distributing a broadcast program wirelessly around a building. In a similar field of invention, Hylton teaches a

system for distributing multimedia services wirelessly throughout a subscriber premise. In addition, Hylton's system contains multiple Wireless Signal Processors, shown as elements 504 and 506 of Fig. 8, with further reference to Col. 28 Lines 55-67 and Col. 29 Lines 1-21.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sinnarajah's system for wirelessly distributing broadcast content to a user to be applied in a building or subscriber's home because Hylton demonstrates that it is a well known technique to distribute broadcast content throughout a residence using wireless means. In addition, Hylton teaches the benefits of a wireless residential distribution system, such as ease of installation and reduced cost (as discussed in Col. 3 Lines 18-41).

13. In regards to Claim 16, Sinnarajah teaches a program receiving apparatus for receiving a broadcast program distributed by an associated wireless distribution apparatus (subscriber-stations 114 of Fig. 1; with further reference to Fig. 4, as described in Col. 5 Lines 15-35. In addition, it is noted that "Figs. 6-8 are described in the context of the hardware components of Figs. 1-4", as disclosed in Col. 10 Lines 65-66), comprising an interface for receiving an indication of a broadcast program to be received by the program receiving apparatus (user interface 410, as described in Col. 5 Lines 15-35; with further reference to "subscriber-station's keypad", as described in Col. 11 Lines 63-67 and Col. 12 Lines 1-2), a wireless receiver for receiving the indicated broadcast program (transceiver 404 of Fig. 4, as described in Col. 5 Lines 15-35), and

an adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus if the associated distribution apparatus has sufficient available transmission capacity to transmit the indicated broadcast program (manager 402 of Fig. 4, as described in Col. 5 Lines 21-25; with further reference to reception of "shared channel" based on availability, as described in Col. 6 Lines 17-23) and otherwise adapting the program receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program (reception of "individual channel" based on availability, as described in Col. 6 Lines 17-23. It is further noted that Sinnarajah the word "availability" in terms of parameters such as "physical bandwidth used by the subject base station", as disclosed in Col. 10 Lines 19-54, with reference to Fig. 9).

Sinnarajah does not teach a program receiving apparatus for receiving a broadcast program distributed wirelessly around a building. In a similar field of invention, Hylton teaches a system for distributing multimedia services wirelessly throughout a subscriber premise. In addition, Hylton's system contains multiple Transceiver/Digital Entertainment Terminals, shown as elements 508 and 510 of Fig. 8, with further reference to Col. 28 Lines 64-67 and Col. 29 Lines 1-4.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sinnarajah's system for wirelessly distributing broadcast content to a user to be applied in a building or subscriber's home because Hylton demonstrates that it is a well known technique to distribute broadcast content throughout a residence using

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wireless means. In addition, Hylton teaches the benefits of a wireless residential distribution system, such as ease of installation and reduced cost (as discussed in Col. 3 Lines 18-41).

14. In regards to Claim 17 Sinnarajah's and Hylton teach the program receiving apparatus as claimed in Claim 16, wherein the adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus comprises means for adapting the program receiving apparatus to receive a current transmission of the indicated broadcast program from the associated distribution apparatus (Sinnarajah teaches if content is available over a shared channel, as determined in Step 622 of Fig. 6, subscriber-terminal performs the operations of Fig. 8 in which the desired program content is monitored on a shared channel in Step 816, as described in Col. 15 Lines 25-52).

15. In regards to Claim 18, Sinnarajah's and Hylton teach the program receiving apparatus as claimed in Claim 16, wherein the adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the associated distribution apparatus comprises means for transmitting a request to the associated distribution apparatus for transmission of the indicated broadcast program (Sinnarajah teaches a registration process in Step 810 of Fig. 8 in which a flag is used to trigger the transmission of the desired program over the shared channel, as disclosed in Col. 15 Lines 60-67 and Col. 16 Lines 1-12).

16. In regards to Claim 19, Sinnarajah's and Hylton teach the program receiving apparatus as claimed in Claim 17, wherein the means for adapting the program

receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program comprises means for searching for a non-associated distribution apparatus currently transmitting the indicated broadcast program (Sinnarajah teaches making a determination of a program available on an individual channel in Step 622, which leads to the establishment of a broadcast service on an individual channel as shown in Fig. 7 and described in Col. 13 Lines 36-51).

17. In regards to Claim 20, Sinnarajah's and Hylton teach the program receiving apparatus as claimed in Claim 17, wherein the means for adapting the program receiving apparatus to search for a non-associated distribution apparatus having available transmission capacity to transmit the indicated broadcast program comprises means for requesting a non-associated distribution apparatus to transmit the indicated broadcast program (Subscriber-substation adjusts its transceiver to receive the base station's transmission of the desired program upon the assigned channel", as Sinnarajah discloses in Col. 14 Lines 45-51, with further reference to Step 724 of Fig. 7).

18. In regards to Claim 21, Sinnarajah's and Hylton teach the program receiving apparatus as claimed in Claim 17, comprising means for, when receiving the indicated program from a non-associated distribution apparatus, intermittently checking the availability of transmission capacity of the associated distribution apparatus for transmitting the indicated program, and wherein the adaptation means for adapting the program receiving apparatus to receive the indicated broadcast program from the

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associated distribution apparatus is responsive to such capacity being available (Sinnarajah teaches repeating the process of Fig. 6 periodically, as shown in Step 726 of Fig. 7, and described in Col. 14 Lines 60-65).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Rune et al. United States Patent Application Publication (2002/0025815 A1) teach switching between dedicated and common channels in a wireless radio network. In addition, wireless user terminals may associate with various broadcast transmission stations within the system.

21. Trompower United States Patent (6,047,175) teaches wireless communications system in which mobile terminals interface with a plurality of base stations connected to a host computer. In addition an auxiliary antenna is used to scan the noise conditions of any or all of the available communication channels to determine if it is necessary to switch the current broadcast channel or station.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623